

December 9, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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Seattle, Washington 98104
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RECONSIDERED

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Development and Environmental Services File No. S088902
Proposed Ordinance No. 95-57

RING HILL ESTATES
Preliminary Plat Application

Location: Between 232nd Avenue NE and West Snoqualmie Valley Road, and
between NE 165th Street (if extended) and NE 145th Street (if extended)

Applicant: Port Blakely Tree Farms
830 Logan Building
Seattle, WA 98101
(206) 624-5810

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary: Approve, subject to conditions
Division's Final: Approve, subject to conditions (modified)
Examiner: Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application or petition submitted: April 5, 1996
Most recent plat drawing revision: October 5, 1996
Department Preliminary Report issued: October 22, 1996

EXAMINER PROCEEDINGS:

Pre-hearing Conference: September 24, 1996
Hearing Opened: November 5, 1996, 9:15 a.m.
Hearing Closed: November 7, 1996, 4:00 p.m.
Examiner's First Report: November 15, 1996
Applicant's Request for
Reconsideration November 26, 1996
Applicant's Revised Request
for Reconsideration: November 27, 1996
Department's Request
for Reconsideration December 5, 1996

Participants at the proceedings, and the exhibits offered and entered, are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Road improvements, off-site
- Light and glare
- Rural character
- View enhancement
- Signage
- Resource extraction

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. Finding Nos. 1 through 7, on pages 2 through 6 of the Examiner's November 15, 1996 Report and Recommendation to the King County Council ("Examiner's Report") are adopted and incorporated here by this reference.
2. On November 27, 1996, Applicant Port Blakely Tree Farms ("the Applicant") timely submitted its Motion for Reconsideration to the Examiner. Essentially, the Applicant made the following requests:
 - a. Revise the Voluntary Agreement with language which more accurately reflects the Examiner's findings with respect to 232nd Avenue NE sub-grade and shoulder improvement. The Applicant's requested revised "Voluntary Agreement" language would make clear that the required four-foot-wide gravel shoulder would be placed on the west side of 232nd Avenue NE and that the Applicant would be responsible for a roadway bed or sub-grade to support a 22-foot-wide roadway in addition to that four-foot-wide gravel shoulder. Resurfacing, which is already planned by King County Department of Transportation, would be provided by the County. The Applicant also notes that DDES has agreed that these improvements to be provided by the Applicant and by the County should be coordinated.
 - b. Revise Recommended Condition No. 19.a in order to allow clearing to accommodate the actual acreage estimated to be required and, in addition, to allow some reasonable additional amount if shown to be required by DDES-approved engineering drawings. This matter was addressed at the public hearing. The Applicant indicated that, probably, 16 acres and not 13 acres would be required to be cleared in order to accommodate internal streets and utilities. The Department of Development and Environmental Services ("DDES") did not object.
3. On December 5, 1996, DDES filed with the Examiner a memorandum requesting reconsideration of several issues. Examiner Rules of Procedure (effective March 31, 1995), Section XI.G, Reconsideration, states in part that a request for reconsideration "is not timely if filed subsequent to the expiration of the period for filing a notice of appeal . . . of the examiner's recommendation . . ." The appeal period in this case expired December 2, 1996. Thus, the DDES request is untimely. However, to the extent that the DDES memorandum addresses issues raised in the Applicant's timely request for reconsideration, it may be included in this review. These portions of the DDES December 5, 1996 memorandum address or respond to the Applicant's reconsideration issues:
 - a. Whereas the Applicant asks that the northerly "No Left Turn" sign provide an exception for "Local Access", DDES recommends that the entire subject of signage be deferred to the Department of Transportation. Recommended Condition No. 19.
 - b. Both the Applicant and the Department indicate that the "Voluntary Agreement" lacks clarity as to the division of improvement responsibilities between the County and the Applicant. Whereas the Applicant suggests specifying that it has responsibility for sub-grade widening and a four-foot-wide shoulder on the west side, DDES recommends that the Agreement contain language which requires the Applicant to complete the final pavement widening to 22 feet "in the event that Ring Hill Estates develops subsequent to the County pavement overlay.
4. The DDES memorandum also expresses concern regarding the explicit omission of the southerly vertical sag on 232nd Avenue NE from the Applicant's Voluntary Agreement. The principal DDES concern is that, if Ring Hill Estates is allowed to develop without addressing the southern sag, then access to the southern Ring Hill Estates entrance will be below King County Road Standards (KCRS) minimum requirements. Although this issue is raised late, it is an issue of overriding public interest. The KCRS is, after all, the County's adopted expression of road standards which are necessary to meet the public health, safety and welfare needs of the motoring public. DDES suggests that this issue should be resolved through a County Road Engineer review of a road variance request properly filed by the Applicant. Due to the overriding public

interest in implementing the KCRS, this matter may be further reviewed on the Examiner's own motion. The issue is all the more important since the Applicant is seeking to obtain access from a collector arterial.

5. In addition, on the Examiner's own motion, sua sponte, an additional conclusion is added to this Reconsidered Examiner's Report. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of the action recommended below. The DEIS Technical Appendix, and FEIS are each adopted and incorporated here by this reference. This Finding was inadvertently omitted from the Examiner's Report dated November 15, 1996.

CONCLUSIONS:

1. Conclusion Nos. 1 through 9 of the Examiner's Report dated November 15, 1996, pages 6 through 9, are adopted and incorporated here by this reference.
2. The Applicant's request to revise its "Voluntary Agreement" is consistent with the findings and conclusions of the original Examiner's Report. If approved and implemented, it will make appropriate provision for the public health, safety and general welfare regarding drainage ways, streets, public ways, and equestrian/pedestrian movement. The Applicant's revision request regarding the sub-grade and shoulder width of 232nd Avenue NE should be adopted as proposed. The revised and now recommended language is attached to this Report, which will be provided to each member of the Metropolitan King County Council with proposed Ordinance No. 95-57.
3. The Applicant's request to modify the left turn signage requirement in order to allow circulation between the two (north and south) portions of Ring Hill Estates and in order to allow the northern portion access to the common recreation space, is a reasonable request and should be approved. The appropriate recommended language is indicated in the recommendation which follows below.
4. The revised clearing acreage indicated in Recommended Condition No. 19.a, below, is necessary in order to assure that allowed clearing is consistent with approved plans. As such, it should be adopted.
5. The DDES Recommended Condition No. 11.c.2, or a similar requirement achieving the same purpose, should be adopted by the Council. Otherwise, the entrances to Ring Hill Estates will lack sufficient sight distance to be safe as defined by the KCRS. The minimum KCRS standard will be satisfied by the Applicant's Voluntary Agreement which is attached to this Reconsidered Examiner's Report. New Recommended Condition No. 11.e, below, will assure safe ingress/egress (per KCRS) for the south Ring Hill Estates entrance.
6. The DDES request to defer the left-turn signage issue to the Department of Transportation would be reasonable under most circumstances. However, in this case, the left-turn prohibition is a necessary mitigating measure in lieu of requiring the Applicant to make various improvements to 232nd Avenue NE south of Ring Hill Estates and north of Lake of the Woods East, particularly in the vicinity of the Radar Lake Road intersection. Thus, as a fundamental necessity for granting preliminary plat approval, the decision should be made by the Council, not through administrative review. Though a "No Left Turn" sign may be a small requirement, it has immense consequence in this case. In any event, once the southward extending 232nd Avenue NE roadway segment is brought up to County standard, the "No Left Turn" signs may be removed.
7. The Environmental Impact Statement is adequate for review of this recommended alternative. The 46-dwelling-unit density is well within the range of densities reviewed by the EIS. The impacts of this 46-dwelling-unit alternative are not dissimilar to the least dense alternative considered by the EIS. Although Ring Hill Neighbors express concern regarding the adequacy of mitigation for several aspects of the proposed development, neither this intervenor nor any other person directly challenged the EIS adequacy.

RECOMMENDATION:

- A. If the Applicant cannot or will not make the attached voluntary agreement within 20 days following Council action, then adoption of Proposed Ordinance No. 95-57 shall mean that the proposed plat of RING HILL ESTATES has been DENIED.

- B. If the Applicant makes the attached Voluntary Agreement within twenty (20) days following Council action, then adoption of Proposed Ordinance No. 95-57 shall mean that the proposed plat of Ring Hill Estates, as described by Exhibit No. 10, received by the Department of Development and Environmental Services on October 4, 1996, is GRANTED PRELIMINARY APPROVAL, subject to the following conditions:

GENERAL

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density requirements of the RA-5-P and RA-10-P zone classifications and P-suffix limitations adopted through Ordinance 12170. All lots shall meet the minimum dimensional requirements of the RA zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. The Applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended.
6. If the Applicant chooses to provide fire hydrants, water main, and fire flow for the development, the Applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of all such facilities, and comply with standards of Chapter 17.08 of the King County Code. The cluster subdivision development which is outside of an Urban Growth Area with lots under 35,000 square feet in size; offsetting permanent open space, and a density no greater than one residential building lot per five (5) acres, is exempt per KCC 17.08 as vested under Ordinance 11625.

DRAINAGE

7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat, unless otherwise approved by King County. The following conditions represent portions of the Code and requirements and shall apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted as public rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following notes shall be shown on the final recorded plat:

"All building downspouts, footing drains and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #_____ on file with LUSD and/or the Department of Transportation. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems or dispersion systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

8. The following conditions outline several Core and Special Requirements from Chapter 1 in the SWM Drainage Manual which are particularly important for the design of this project. All other applicable requirements in the SWM Manual shall also be addressed on the site improvement plans:

- a. Core Requirement No. 1: Discharge at the Natural Location.

The Applicant has received conditional approval for a variance granting diversion of surface water flows (File No. L95V0030). The conditions of approval for the variance shall be satisfied in the design of the final drainage plans.

- b. Core Requirement No. 3: Runoff Control.

Unless otherwise approved by King County, surface water detention standards contained within the West Snoqualmie Critical Drainage Area Designation and the Snoqualmie Valley P-Suffix conditions apply to this project. Design standards are specified in Special Requirements 1 and 4 listed below. Biofiltration facilities for water quality treatment are also required as specified in the SWM Manual. The final drainage plans shall also be designed to remove the existing drainage facilities for the Axelson short plat and combine the flows into the drainage facility located within proposed Tract V.

The approved drainage variance (File No. L95V0030) addresses requirements regarding bypass of off-site flows, road grades for pond access, and grass filter strips for off-site bioswales along 232nd Avenue NE. These requirements shall be provided on the final engineering plans.

- c. Core Requirement No. 4: Conveyance System.

The proposed conveyance pipe on steep slopes shall be designed and located to minimize disturbance to natural vegetation and reduce potential erosion. Requirements for drainage out-falls and conveyance on steep slopes, as specified in Section 4.3.6 of the SWM Manual, shall be used for drainage plan design and construction. The pipe shall be located on the ground surface within a King County drainage easement. Detention pond overflow systems shall be designed for piped conveyance, rather than open spillways. The overflow structure and the tightline conveyance pipe shall be designed to accommodate flows for the 100-year storm under developed site conditions.

As presented in the Applicant's preliminary drainage analysis, culverts #4 and #8 located beneath the West Snoqualmie Valley Road have sufficient capacity for conveyance of stormwater. The proposed tightlines down the steep slopes shall be located and designed to convey flows into these culverts. The northerly out-fall shown on the preliminary plat shall be relocated to avoid the wetland and stream buffers near culverts #6 and #7. The out-fall designs, including any bioswales, conveyance pipes, and catch basins shall be evaluated in the field to assess the best location to minimize clearing and soil disturbance. All final clearing limits shall be clearly marked in the field prior to construction.

As specified on page 1.2.4-4 of the SWM Manual, downspout conveyance systems for drainage within the lot areas shall include dispersion of roof run-off for lots larger than 22,000 square feet.

The preliminary plat identifies a topographic swale leading to the west boundary of proposed Lot 12. During drainage plan review, an analysis shall be made to determine the need for a drainage easement within the lot to provide conveyance of potential future off-site surface water.

- d. Special Requirement No. 1: Critical Drainage Areas.

The project is located within the West Snoqualmie Valley Ridge Critical Drainage Designation which contains special requirements of drainage plan design. This document is contained in the reference section of the Surface Water Design Manual. In combination with the proposed tightlines for stormwater conveyance, the required detention standards shall match pre- and post-development release rates at the 2, 10, and 100-year storm events unless otherwise approved by King County. Run-off calculations

require that the existing site conditions are assumed to be totally forested and developed conditions assume 100% removal of forest canopy within the area of the development.

e. Special Requirement No. 4:

The subject property is zoned with a P-suffix condition which requires compliance with drainage conditions from the Snoqualmie Valley Community Plan. These requirements include the same drainage standards as specified in the West Snoqualmie Critical Drainage Area with the addition of the following two requirements which shall be addressed on the final site improvement plans:

1. Installation of the critical drainage control features, as scheduled and delineated in the Drainage Control Plan as approved by King County, shall be installed prior to any land clearing, vegetation removal, site grading, road construction or utility installation. Only those activities associated with pre-development exploration, such as surveying and performance of soil tests and limited clearing and grading associated with construction of drainage facilities, will be permitted prior to completion of the drainage control system.
2. In those situations where features of the drainage system or subsequent development make installation of the final drainage system impossible, a phased Drainage Control Plan will be developed which provides the required level of retention/detention to the entire site at all times.

f. Special Requirement No. 5: Special Water Quality Controls.

Since the project includes more than one acre of driveable surface and is located within one mile of a Class One stream, wet ponds are required for water quality treatment.

g. Special Requirement No. 9: Delineation of 100-year floodplain.

Several wetlands are located on the property; there-fore, a floodplain analysis shall be performed. The 100-year floodplain boundaries for Tracts B, C, and wetlands in the southwest corner of the property shall be shown on the final engineering plans and recorded plat.

h. Special Requirement No. 11: Geotechnical Analysis.

The proposed surface water detention ponds are located within 200 feet from the top of steep slopes; there-fore, a geotechnical analysis shall be prepared and submitted with the engineering plans to address the scope of issues listed in the SWM Manual.

SENSITIVE AREAS

9. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Preliminary plat review has identified the following issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the Applicant.

- a. Erosion Hazards - Portions of the site are classified as erosion hazard due to the soil types and slopes exceeding 15%. The boundaries of the erosion hazard areas and the applicable development criteria outlined in KCC 21A.24.220 shall be shown on the erosion control plans. The recorded plat shall also contain notes regarding code requirements which must be addressed during the building permit review and lot development.
- b. Steep Slope and Landslide Hazards - The proposed Tracts for steep slopes and landslide hazards shall include a minimum buffer of 50 feet from top of slope as shown on the preliminary plat, unless otherwise approved by DDES. An additional 15-foot building setback (BSBL) from the edge of buffer is also required. The limits of clearing for construction of stormwater facilities in Tracts F, G, and V shall be flagged in the field and inspected by King County prior to construction. Minor alteration of the steep slope and buffer north of Tract V is permitted pursuant to KCC 21A.24.310 for the construction of the stormwater conveyance pipe.

- c. Streams - Four streams are located within the property and are identified on the preliminary plat. The applicable stream requirements are provided within KCC 21A.24 and the P-suffix condition from the Bear Creek Community Plan. Stream buffer widths are dependent upon stream classification and side slope criteria as outlined in the P-suffix requirements. A final determination of the development requirements shall be determined by Kin County during final review, which may result in modification to the current buffers as shown on the preliminary plat. It should be noted that the final plans will require modification to show Stream No. 1 extending to its outlet at the toe of slope along the West Snoqualmie Valley Road.

- d. Wetlands - Tracts B and C contain Class 3 wetlands which shall be shown with a minimum buffer width of 25 feet. A Class 2 wetland is located within Tract U which shall include a 50-foot buffer. A 15-foot BSBL shall also be provided from the edge of all buffers.

Delineation of the wetlands on the lower east side of the property near Stream 3 and Stream 1 shall be identified and delineated prior to final plat approval. Drainage conveyance shall not be planned through these areas unless permitted under KCC 21A.24.

- e. All wetlands, streams, steep slopes, and their respective buffers shall be located within Sensitive Area Tracts as required by KCC 21A.24.180. As determined by DDES, the final plat shall include language which specifies the land use restrictions within sensitive areas tracts.

The Final recorded plat shall show the following areas are restricted under a designation of S.A.T -- Ridgeline Areas (50 foot width from top of 40% slopes); Class 2 Salmonid Stream Buffers (150 feet wide); and Class 3 Stream Buffers (100 feet wide) to implement Area Wide P-suffix requirements of the Bear Creek Plan and Area Zoning Document, and specific P-suffix restrictions on this property.

- f. Sensitive area mitigation is required for the proposed wetland encroachment for off-site road construction along 232nd Avenue. The following requirements shall be addressed during final review of the project:

1. The final mitigation requirements, including monitoring and bonding, as specified in KCC 21A.24.130, 140, and 340 shall be approved by King County prior to recording.
2. The mitigation measures shall enhance the previously disturbed wetland buffer areas adjacent to Tract U, or as an alternative, may provide off-site mitigation which includes stream enhancement with removal of fish-passage barriers in Stream #4.

- g. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS
AND SENSITIVE AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from King County Department of Development and Environmental Services or its successor agency, unless provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be fenced or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required building setback line, unless otherwise provided by law.

- h. The homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the sensitive area tracts.

WILDLIFE HABITAT CORRIDORS

- 10. The Applicant shall set aside and protect the designated Wildlife Habitat Network per the requirements of KCC 21A.14.260 and KCC 21A.14.270. Wildlife Habitat Corridors shall include those areas designated as Passive Open Space and Sensitive Area Tracts.

ROADS

- 11. The following conditions outline the required road improvements:

- a. NE 162nd Street and the extended on-site loop road shall be improved to rural subaccess standards. The remaining cul-de-sacs, including the southern portion of the subdivision, shall be improved to rural minor access street standards.
- b. The proposed joint-use driveway within Tract D shall be improved in accordance with the requirements in KCRS 3.01. The tract shall serve a maximum of two lots and be improved with 18 feet of pavement and controlled drainage.
- c. OMITTED; see attached Voluntary Agreement.
- d. At ~~each~~ the south exit from Ring Hill Estates the Applicant shall place a "NO LEFT TURN" sign which shall remain in place (maintained by King County) until 232nd Avenue NE, southward from the south access to Ring Hill Estates, is improved to King County standard.

At the north exit from Ring Hill Estates the Applicant shall place a "NO LEFT TURN EXCEPT LOCAL ACCESS" sign which shall remain in place (maintained by King County) until 232nd Avenue NE, southward from the south access to Ring Hill Estates, is improved to King County standard.

The sign size, materials, format and location shall be approved by the King County Department of Transportation.

If the King County Department of Transportation determines that traffic from Ring Hill Estates places no adverse impact upon the sub-standard conditions which exist along the 232nd Avenue NE segment located between Ring Hill Estates and Lake of the Woods East, then the Department may administratively exempt the Applicant from the signage requirement.

- e. The Applicant shall improve the southern vertical sag on 232nd Avenue NE (located approximately 500 feet north of the south Ring Hill Estates entrance) in a manner that satisfies the KCRS entering sight distance requirements as applied to the south Ring Hill Estates entrance, assuming a rural collector arterial design speed of 35 mph. See also Applicant's "Voluntary Agreement", attached.

All of some portion of this condition may be set aside by County Road Engineer variance approval. The variance may require, in lieu of correcting the south sag, improved lighting, clearing of vegetation, or other mitigating measures.

12. The planter islands (if any) within the cul-de-sac shall be maintained by the abutting lot owners. This shall be stated on the face of the final plat.
13. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
14. Provide the property owner adjacent (Tax Lot 23, Lampson) with easements or other means for legal access for his existing access driveway which partially extends over the common property boundary with Lot 1.

IMPACT FEES

15. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: 1) pay the MPS fee at final plat recording, or 2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application, and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid". If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
16. Lots within this subdivision are subject to King County Ordinance Nos. 10162, 10472 and 11148, which impose impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

OPEN SPACE

17. Open space shown as Park shall be designated as Recreation/ Open Space on the face of the plat. Use allowed under KCC 21A.08 for "parks" shall be permitted. Remaining open space tracts shall be restricted on the recorded plat to "Passive Recreational Uses Only", unless further restrictions are required by Wildlife Habitat Corridor provisions imposed on open space areas.
18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides continued maintenance of the recreation and open space areas which will be under the ownership of homeowners.
19. The following have been established by SEPA as necessary requirements of this development as mitigation. The Applicant shall demonstrate compliance with these items prior to final approval.
 - a. Clearing shall be phased to lessen the extent and time period of soil exposure. Clearing and grading limits shall be flagged prior to construction. As proposed in the EIS for the low density alteration, clearing for road construction and utilities shall be limited to ~~13.1~~ 16 acres, or such additional acreage as reasonably required to construct the roads and utilities as provided by the County-approved engineering plans.
 - b. Roof drains shall direct stormwater to dry wells where feasible for recharge of groundwater.

NON-BUILDING SETBACKS

20. As proposed by the Applicant, an 100-foot-wide building setback adjacent to 232nd Avenue NE shall be established and noted on the face of the plat. Only signage and shelters serving school bus stops shall be permitted in this area under the limitations and restrictions of King County Codes.

SIGNAGE

21. The entry signage to the plat shall comply with KCC 21A.20. The signage shall also be restricted to materials such as stone, granite, and wood to reflect the rural character of the surrounding rural neighborhood subject to the review and approval of DDES.

RECOMMENDED this 9th day of December, 1996.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 9th day of December, 1996, to the following parties and interested persons:

Ann Aagaard
John Adams
Thomas Alberg
Anne Alberg
Michael Alberg
Nicholas Arnot
Clifford Axelson
Robert & Charlotte Badger
Allan Bakalian
Ruth Coy Bellamy
Cecelia Boulais/Tolt Comm. Club
Chas./Kelly Boyd
Richard Broderson, et al
J. Brookman
William/Victoria Brown
Dennis Brunelle
C. Bruskland
W.C. Conger/C. Straker
Monica Clark
Norman R. Cook
John B. Curry
Jennifer Curtis
Ann Darlington
Walter/Pauline DeJong
Mike Drew
D.G./C. Dyvig
D.B. Finney/E.L. Hankerson
Dennis/Caroline Egan
Charles/Candace Egner
Joseph Elfelt
Evetts-Ramsey Family Trust
Rodney/Carol Fletcher
Robin Franklin
Charles/Patricia Garman
Edward Garth
George M. Gilstramp
Mark/Stephanie Glass
Steve/Cameron Goan
Gerry/Cynthia Graff
John W. Gregory
Matthew Grogan
John/Shelia Hague
H. Munson/V. Hansen
Ralph & Judy Harris
Pete Hayes
Dirk Hummer
Steve Hummer
Bob Ingalls
Joseph/Shirley Jobe
James J. Joyce
Lorrie Kaplin
Glen Kuntz/City of Duvall
Russ Ladley/Puyallup Tribe
Katherine Kramer Laird

James Lamont
Mary/Dennis Lampson
Nancy Lampson
De-En Lang, Subdiv. Mngmnt
Ane/Joel Larsson
Gary Lindell
Alisa/Bernard Littau
Sid Lundwall
Wilber McPherson
Larry Malakoff
Rod Malcom/Muckleshoot Tribe
William Martin
Anton Marty Jr, et ux
Michael/Dianna McCoy
Darrell/Sally McGavran
Tona McGuire
Sandy/David McLanson
W. Bruce/Kathleen Meyer
Margaret Mylroie
Shelly Navarre
K. Banks/C. Nelson
Thomas E. Nelson
Mary O'Farrell
Harlan/Beverly Ohlson
Kimberly Ordon/Tulalip Tribe
Boris S. Pavlov
Roger/Valerie Pease
James W. Phillips
Cindy Potter
Eva/Kenneth Reeves
Geri Reinert/David Hamiln & Assoc.
Richard Rogers
Mike Romano, Subdiv. Mgmt.
Paula/Bryon Runyon
Paul/Jody Safstrom
G. Joyce Schirmann
Dennis R. Seguine
Kim Shealy-Klur
Richard/Irene Shell
Gary C. Simning

Pamela Ann Simpson
George F. Slusser
June G. Smith
Snoqualmie Tribe
Gerald/M. Stiffler
Marcus Damian Strash
D. R. Strong
Katheryn Taylor
Bruce/Annette Taylor
Karen Teig
Pauline Thompson
Darryl/Sarah Torgerson
Trendle Corporation
Gerald G. Trout
Don Tubbs
Robert Vadnais
Howard/Patty Van Laeken
Wendy Walsh
Jim Warjone
Judith Westall
James/Sandra Whalen
Stephen W. Zoeger
Bothell Library
Carnation Library
Carnation Water Dept.
Cherie Alderson/Riverview Sch.Dist.
Duvall Historical Society
Duvall Library
Duvall Water/Sewer Dept.
Fire Protection District #36
Fire Protection District #45
GTE Telephone Operations
Rebecca Inman/WA Dept. Ecology
Robert A. Josephson/WSDOT
City Editor, Journal-American
Diana Kinared
Lake Washington School Dist.
Editor, Northshore Citizen
Northshore School District
Patterson Crk. Flood Control Dist.
Redmond Dept. of Planning
Redmond Library
Redmond Water Department
Redmond Sewer Utility
John L. Scott Land Dept.
Shoreline Library
Woodinville Chamber of Commerce
Woodinville Library
Woodinville Water/Sewer Dist.
Woodinville Weekly
Steve Bottheim, DDES/LUSD, Site Development Services
Laura Casey, DDES/LUSD, Site Development Services
Sharon Claussen, Parks, Planning and Resources
Marilyn Cox, DDES/LUSD, SEPA Section
Ken Dinsmore, DDES/BSD, Code Enforcement
Peter Dye, DDES/LUSD, Engineering Review Section
Tom Koney, Metropolitan King County Council
Michaelene Manion, DDES/LUSD, Site Plan Review
Aileen McManus, DDES/BSD, Site Engineering & Planning
Joe Miles, DDES/LUSD, Engineering Review Section
Ray Moser, King County Strategic Planning Office
Paulette Norman, King County Dept. Transportation
Barbara Questad, DDES/LUSD, SEPA Section
Carl Osaki, Seattle-King County Public Health

Lisa Pringle, DDES/LUSD, Site Plan Review
 Paul Reitenbach, Office of Strategic Planning
 Gary Samek, King County Dept. Transportation
 Karen Scharer, DDES/LUSD, Site Plan Review
 John Shively, King County Dept. Transportation
 Harold S. Taniguchi, King County Dept. Transportation
 Steve Townsend, DDES/LUSD, Land Use Inspection

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before December 23, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before December 30, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE NOVEMBER 5 AND NOVEMBER 6, 1996 PUBLIC HEARING ON
 DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. S088902 -
 RING HILL ESTATES:

R.S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Karen Scharer, Peter Dye, Paulette Norman, Barbara Questad, Katherine Laird, Matthew Grogan, De-En Lang, Steve Hummer, John Adams, Geri Reinert, Mike Romano, Don Tubbs, Howard VanLaeken, Eva Reeves, Nancy Lampson, Michael Alberg, and Charles Garman.

The following exhibits were offered and entered into the record:

Entered November 5, 1996:

- Exhibit No. 1 Department of Development and Environmental Services Preliminary Report to the King County Hearing Examiner for the November 5, 1996 public hearing
- Exhibit No. 2 Department of Development and Environmental Services File No. S088902 - Ring Hill Estates, application filed December 8, 1988, and vested April 5, 1996
- Exhibit No. 3 Draft Environmental Impact Statement for Ring Hill Estates, published June 1994
- Exhibit No. 4 Appendices for the Draft EIS, published June 1994
- Exhibit No. 5 Final Environmental Impact Statement for Ring Hill Estates, published December 1994
- Exhibit No. 6 Notice of Hearing, mailed October 3, 1996
- Exhibit No. 7 Affidavit of Posting for October 6, 1996, received October 14, 1996
- Exhibit No. 8 Assessor Maps -- STR NW 15-25-06, SW 15-26-06, SE 15-26-06, NE 15-26-06, SW 10-26-06, SW 14-26-06, NW 14-26-06, NW 22-26-06 & NE 22-26-06

- Exhibit No. 9 Subdivision plan, revised August 19, 1996
- Exhibit No. 10 Subdivision plan, revised October 4, 1996
- Exhibit No. 11 Map of 232nd Avenue NE from NE 133rd Street to NE 165th Street, based on Kroll maps and prepared by staff
- Exhibit No. 12 Wildlife Network Map for Section 15-26-06, prepared by staff from King County GIS
- Exhibit No. 13 Ring Hill Estates Wetland Conceptual Buffer Enhancement Plan, prepared by Pentec Environmental, dated September 30, 1996
- Exhibit No. 14 Wetland Delineation Report by Headwaters Environmental Consulting, dated June 22, 1995
- Exhibit No. 15 Modified Technical Information Report for Improvements to 232nd Avenue NE, by Pacific Engineering Design, Inc., dated April 25, 1995
- Exhibit No. 16 Pacific Engineering Design memo dated July 11, 1996, re: biofiltration
- Exhibit No. 17 Plan and Profile for 232nd Avenue NE proposed improvements with 22'-wide paving and one 6' shoulder, received October 18, 1996
- Exhibit No. 18 Health Department approval, dated August 5, 1996
- Exhibit No. 19 Certificate of Water Availability, dated July 30, 1996
- Exhibit No. 20 King County Road Variance Approval, dated November 6, 1995
- Exhibit No. 21 King County Surface Water Design Manual Variance Approval, dated August 22, 1996
- Exhibit No. 22 Corrected map of plat area and zoning of property per King County Ordinance 12170
- Exhibit No. 23 Letter from Katherine Laird, dated October 15, 1996, regarding limitations to signage of plat
- Exhibit No. 24 Letter from Paula Runyon, dated April 7, 1995
- Exhibit No. 25 Letter from Gerry & Cynthia Graff, dated October 17, 1996
- Exhibit No. 26 List of Corrections/Revisions to DDES Staff Report
- Exhibit No. 27 Revised Certificate of Water Availability dated October 14, 1996
- Exhibit No. 28 Map showing access road to drainage pond within Tract B
- Exhibit No. 29 Summary of Traffic Options proposed by Applicant
- Exhibit No. 30 South Improvement Scenario Conceptual Plan by Applicant
- Exhibit No. 31 Memo from King County Eastgate Environmental Health Office to Karen Scharer, dated November 5, 1996 re: well
- Exhibit No. 32 Updated Trip Generation Comparison
- Exhibit No. 33 King County Dept. of Transportation Accident Report Print-Out
- Exhibit No. 34 Written statement re: land use conflicts, by Michael Alberg, November 5, 1996
- Exhibit No. 35 Drawing by Howard VanLaeken, showing his road design proposal

Entered November 6, 1996:

- Exhibit No. 36 Photographs of 232nd Avenue NE from Ring Hill Estates to Lake of the Woods East, taken by Matthew Grogan
- Exhibit No. 37 Applicant's proposed revisions to Staff Recommended Condition No. 11.c
- Exhibit No. 38 Excerpt from KCC 21A.12.030 - residential zone densities
- Exhibit No. 39 Staff recommended modifications to road conditions
- Exhibit No. 40 Applicant's description of remedy to Radar Road hazard

RST:gb/var

Attachment

plats\pre-s89p\s088902.rp2

ATTACHMENT TO
EXAMINER'S DECEMBER 9, 1996
RECONSIDERED REPORT AND RECOMMENDATION
TO THE KING COUNTY COUNCIL
PROPOSED ORDINANCE NO. 95-57
RING HILL ESTATES
PRELIMINARY PLAT FILE NO. S088902

APPLICANT'S
VOLUNTARY AGREEMENT

1. The Applicant and County shall coordinate the required improvements to 232nd Avenue NE. The Applicant shall assure a sufficiently wide roadway bed or sub-grade to support a 22-foot-wide roadway and four-foot-wide gravel shoulder from the south entrance of Ring Hill Estates northward to Old Woodinville-Duvall Road, which shoulder shall be on the west side of the road. King County shall be solely responsible for the necessary paving or resurfacing of 232nd Avenue NE after the Applicant has provided the roadway sub-grade and shoulder, as provided in this Voluntary Agreement.

Limits of clearing and grading shall be located in the field and inspected by King County prior to construction. The road improvement plans shall show all roadside obstacles located within 10 feet of the travelled way. During final review, King County will evaluate the design requirements and determine which obstacles must be relocated by the Applicant to provide greater separation from the travelled roadway.

In the event that the Applicant fails to make the necessary sub-grade and shoulder improvements prior to the County resurfacing project, the Applicant shall complete the final pavement widening to 22 feet.

2. There are two sag vertical curves located between the two Ring Hill Estates entrances. The more severe of these two vertical curves is located immediately south of the northerly entrance at NE 162nd Street. This vertical curve shall be improved to meet King County Road Standards for a rural collector arterial with a design speed of 35 miles per hour. See also Preliminary Plat Condition No. 11.e.
3. The Applicant will clear vegetation as specified by King County within the 232nd Avenue NE right-of-way near the intersection of the Old Woodinville-Duvall Road, in order to provide better sightlines on the inside of the road curvature.
4. The Applicant shall be given complete dollar-for-dollar MPS credit for 232nd Avenue NE improvements in this Voluntary Agreement, up to the maximum MPS payment due. The Applicant shall not receive credit for required frontage improvements.